

AMENDED IN ASSEMBLY JANUARY 7, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 1299

Introduced by Assembly Member Fuller

February 23, 2007

An act to amend Sections ~~827 and 10850.1~~ of the Welfare and Institutions Code, relating to public social services; *Section 11174.32 of the Penal Code, relating to child abuse investigation.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1299, as amended, Fuller. ~~Records: confidentiality and access: child abuse.~~ *Child abuse review teams.*

Existing law authorizes counties to establish an interagency child death review team to, among other things, assist local agencies in identifying and reviewing suspicious child deaths.

This bill would provide similar authorization for counties to establish interagency child abuse review teams to assist local agencies in identifying and reviewing cases of child abuse and neglect, as specified.

~~Existing law limits the authority to inspect the case file of a ward or dependent child of the juvenile court to designated persons and entities, including, among others, members of children's multidisciplinary teams, persons, or agencies providing treatment or supervision of the minor.~~

~~This bill additionally would authorize members of children's multidisciplinary teams, persons, or agencies engaged in the prevention, identification, and treatment of child abuse to inspect juvenile case files.~~

~~Existing law provides that applications and records concerning any individual made or kept by any public officer or agency in connection with the administration of specified public social services programs are confidential, and not open to examination for any purpose not directly~~

connected with the administration of the program, or any investigation, prosecution, or criminal or civil proceeding conducted in connection with the administration of the program.

~~Existing law, notwithstanding the above provision, authorizes a member of a multidisciplinary personnel team, as defined, that is engaged in the prevention, identification, and treatment of child abuse or the abuse of elder or dependent persons to disclose and exchange any information or writing that also is kept or maintained in connection with any program of public social services or otherwise designated as confidential under state law that he or she reasonably believes is relevant to the prevention, identification, or treatment of child abuse or the abuse of elder or dependent persons to other members of the team. Existing law provides that related discussions and writings of team members are confidential, and testimony relating to these discussion is not admissible in any criminal, civil, or juvenile court proceeding.~~

~~This bill would extend confidentiality to written reports prepared by the team, and would provide that the team's discussions writings, and written reports would be exempt from discovery, and inadmissible, in any criminal, civil, or juvenile court proceeding.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Section 11174.32 of the Penal Code is amended*
- 2 *to read:*
- 3 11174.32. (a) Each county may establish an interagency child
- 4 death review team to assist local agencies in identifying and
- 5 reviewing suspicious child deaths and facilitating communication
- 6 among persons who perform autopsies and the various persons
- 7 and agencies involved in child abuse or neglect cases. Interagency
- 8 child death review teams have been used successfully to ensure
- 9 that incidents of child abuse or neglect are recognized and other
- 10 siblings and nonoffending family members receive the appropriate
- 11 services in cases where a child has expired.
- 12 (b) Each county may develop a protocol that may be used as a
- 13 guideline by persons performing autopsies on children to assist
- 14 coroners and other persons who perform autopsies in the
- 15 identification of child abuse or neglect, in the determination of
- 16 whether child abuse or neglect contributed to death or whether

1 child abuse or neglect had occurred prior to but was not the actual
2 cause of death, and in the proper written reporting procedures for
3 child abuse or neglect, including the designation of the cause and
4 mode of death.

5 (c) In developing an interagency child death review team and
6 an autopsy protocol, each county, working in consultation with
7 local members of the California State Coroner's Association and
8 county child abuse prevention coordinating councils, may solicit
9 suggestions and final comments from persons, including, but not
10 limited to, the following:

- 11 (1) Experts in the field of forensic pathology.
- 12 (2) Pediatricians with expertise in child abuse.
- 13 (3) Coroners and medical examiners.
- 14 (4) Criminologists.
- 15 (5) District attorneys.
- 16 (6) Child protective services staff.
- 17 (7) Law enforcement personnel.
- 18 (8) Representatives of local agencies which are involved with
19 child abuse or neglect reporting.
- 20 (9) County health department staff who deals with children's
21 health issues.
- 22 (10) Local professional associations of persons described in
23 paragraphs (1) to (9), inclusive.

24 (d) Records exempt from disclosure to third parties pursuant to
25 state or federal law shall remain exempt from disclosure when
26 they are in the possession of a child death review team.

27 (e) (1) No less than once each year, each child death review
28 team shall make available to the public, findings, conclusions, and
29 recommendations of the team, including aggregate statistical data
30 on the incidences and causes of child deaths.

31 (2) In its report, the child death review team shall withhold the
32 last name of the child that is subject to a review or the name of the
33 deceased child's siblings unless the name has been publicly
34 disclosed or is required to be disclosed by state law, federal law,
35 or court order.

36 (f) *Each county may establish an interagency child abuse review*
37 *team to assist local agencies in identifying and reviewing cases of*
38 *child abuse and neglect and facilitating communication among*
39 *the various persons and agencies involved in child abuse or neglect*
40 *cases. Interagency child abuse review teams can help ensure that*

1 incidents of child abuse or neglect are recognized and other
2 siblings and nonoffending family members receive the appropriate
3 services in cases where a child has been abused or neglected.

4 (g) In developing an interagency child abuse review team, each
5 county, working in consultation with local members of the
6 California State Coroner's Association and county child abuse
7 prevention coordinating councils, may solicit suggestions and final
8 comments from persons, including, but not limited to, the following:

- 9 (1) Experts in the field of forensic pathology.
 - 10 (2) Pediatricians with expertise in child abuse.
 - 11 (3) Coroners and medical examiners.
 - 12 (4) Criminologists.
 - 13 (5) District attorneys.
 - 14 (6) Child protective services staff.
 - 15 (7) Law enforcement personnel.
 - 16 (8) Representatives of local agencies which are involved with
17 child abuse or neglect reporting.
 - 18 (9) County health department staff who deal with children's
19 health issues.
 - 20 (10) Local professional associations of persons described in
21 paragraphs (1) to (9), inclusive.
- 22 (h) Records exempt from disclosure to third parties pursuant
23 to state or federal law shall remain exempt from disclosure when
24 they are in the possession of a child abuse review team.
- 25 (i) (1) No less than once each year, each child abuse review
26 team shall make available to the public findings, conclusions, and
27 recommendations of the team, including aggregate statistical data
28 on the incidences and causes of child abuse and neglect.
- 29 (2) In its report, the child death review team shall withhold the
30 name of the child that is subject to a review or the name of the
31 abused or neglected child's siblings unless the names have been
32 publicly disclosed or are required to be disclosed by state law,
33 federal law, or court order.

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**All matter omitted in this version of the bill
appears in the bill as introduced in the
Assembly, February 23, 2007 (JR11)**

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